



# Media Release

## Mendocino County Land Owners Face Water Rights Violation Penalty of \$32,800 for Illegal Reservoirs *And draft Cease and Desist Orders*

FOR IMMEDIATE RELEASE  
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SACRAMENTO – The State Water Resources Control Board's Division of Water Rights (Division) has initiated draft enforcement actions with penalties totaling \$33,800 against Mendocino County property owners who allegedly were unlawfully diverting water from a Mendocino County waterway. This enforcement action is the result of ongoing efforts to identify illegal reservoirs in Northern California coastal streams.

The Division is recommending an Administrative Civil Liability (ACL) penalty as well as draft Cease and Desist Orders (CDO) to compel the property owners to continue to diligently pursue the permitting process to obtain the necessary water rights or stop diverting the water. The ACL and draft CDO will become final after 20 days of being received by the property owners, unless hearings are requested.

Mendocino County property owners James D. Milovina and Lyle P. Milovina (Milovina Vineyards) were allegedly diverting water from a stream to a 22 acre-foot reservoir for irrigation and frost protection uses without a water right. Following an investigation, the Division provided notice of the alleged violations and an opportunity for Milovina Vineyards to either demonstrate that it has the necessary water rights, or propose a compliance plan and schedule for securing those water rights. In response, Milovina Vineyards filed an application to appropriate water by permit for the last of three reservoirs that did not have a pending water right application on file.

The Assistant Deputy Director for Water Rights recommends an ACL in the amount of \$33,800 for the unauthorized diversion, storage, and use of water by Milovina Vineyards since 1999. In addition, a draft CDO has been issued against Milovina Vineyards directing the property owner to continue to pursue securing a permit and obtain the necessary water rights or stop diverting water.

### Background on Water Rights

A water right is a legal entitlement that allows water to be diverted from a waterway and put to reasonable beneficial use. A water right does not grant ownership in the water itself, only a priority right to use the water. Most diversions and uses of water require a permit or registration from the State Water Resources Control Board. All water diverters, with minor exceptions, must now report their water use to the State Water Resources Control Board using a computer



online system. Water diversion and use reporting requirements ensure that the state's waters are put to reasonable beneficial use while protecting the rights of others and public trust resources. The Division is also responsible for investigating complaints involving all types of water rights, administering water quality programs that involve the diversion of water and preventing the waste or unreasonable use of water.

### Additional Resources

To see the Administrative Civil Liabilities filings click here:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/enforcement/compliance/aci\\_complaint\\_actions/index.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/enforcement/compliance/aci_complaint_actions/index.shtml)

**To see the Cease and Desist Orders**, click here:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/enforcement/compliance/cease\\_desist\\_actions/index.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/enforcement/compliance/cease_desist_actions/index.shtml)

For more information on the Division of Water Rights enforcement authority under the State Water Code visit:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/enforcement/compliance/index.shtml#enforce](http://www.waterboards.ca.gov/waterrights/water_issues/programs/enforcement/compliance/index.shtml#enforce)

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